

APPENDIX

Supreme Court, U. S.  
FILED

<sup>2</sup>  
JULY 28 1973

MICHAEL RODAK, JR., CLERK

IN THE

**Supreme Court of the United States**

OCTOBER TERM, 1972 1973

**72-1019**

NO. A-534

HELEN STEIN GAUDET, ADMINISTRATRIX  
OF THE ESTATE OF AWTREY C. GAUDET, SR.,

Appellees

versus

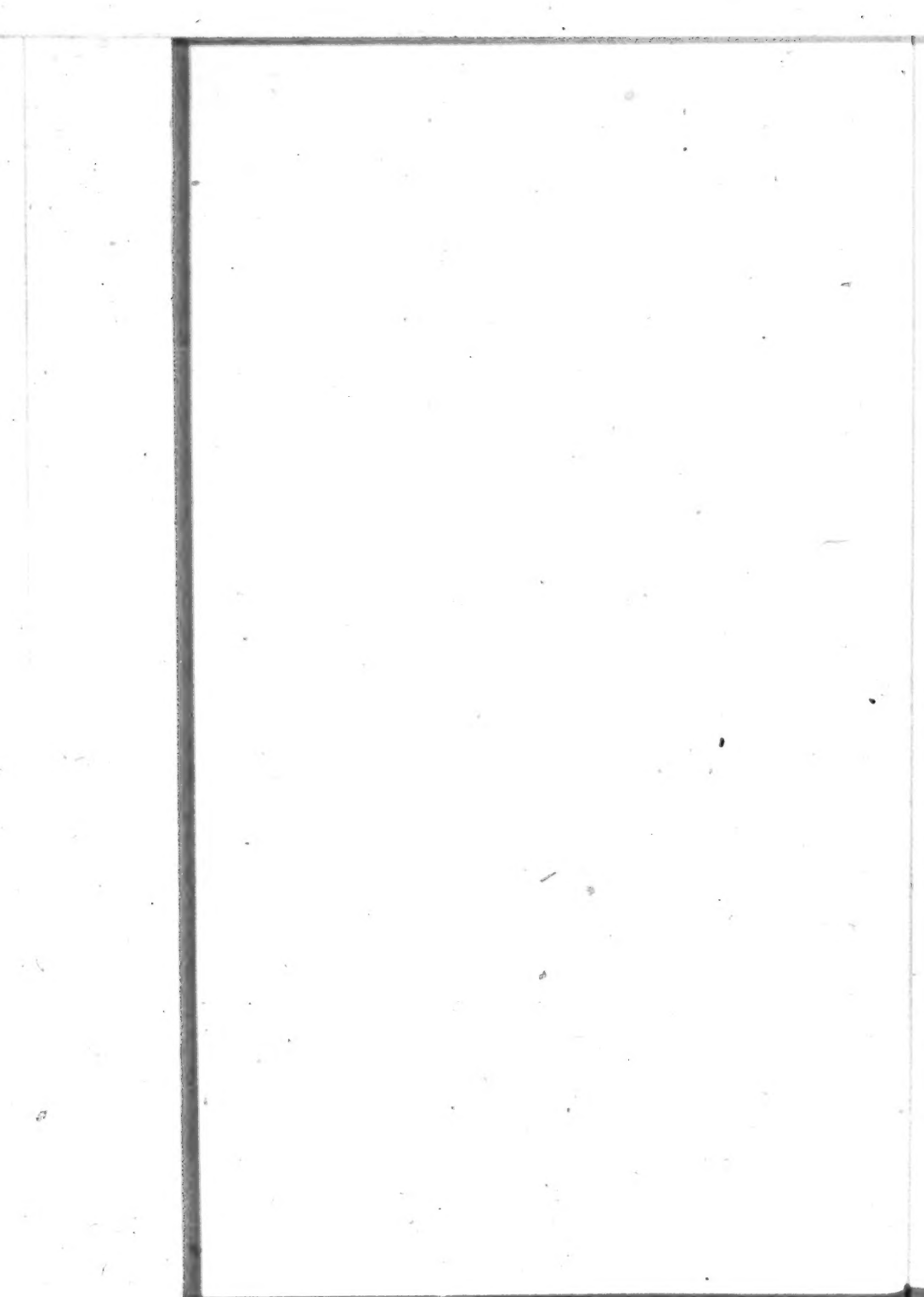
SEA-LAND SERVICES, INC.,

Appellant

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR CERTIORARI FILED  
January 22, 1973

CERTIORARI GRANTED  
May 7, 1973



# I N D E X

## PAGE

APPENDIX NO. 1-----	1
APPENDIX NO. 2-----	3
APPENDIX NO. 3-----	4
APPENDIX NO. 4-----	7
APPENDIX NO. 5-----	8
APPENDIX NO. 6-----	9



APPENDIX

---

---

IN THE SUPREME COURT OF THE UNITED STATES

---

OCTOBER TERM, 1972

NO. A-534

---

HELEN STEIN GAUDET, ADMINISTRATRIX  
OF THE ESTATE OF AWTREY C. GAUDET, SR.,

Appellees

v.

SEA-LAND SERVICES, INC.

Appellant

---

ON WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

---

---

PETITION FOR CERTIORARI FILED JANUARY 22, 1973

CERTIORARI GRANTED MAY 7, 1973

INDEX

APPENDIX

Complaint of Awtrey C. Gaudet vs. Sea-Land Services, Inc. in the United States District Court for the Eastern District of Louisiana, New Orleans Division, No. 67-1276, Section "C"

Appendix No. 1

Judgment in favor of Awtrey C. Gaudet and against Sea-Land Services, Inc. in the sum of \$140,000.00 and costs

Appendix No. 2

Complaint of Helen Stein Gaudet, Administratrix of the Estate of Awtrey C. Gaudet, Sr. vs. Sea-Land Services, Inc. in the United States District Court for the Eastern District of Louisiana, New Orleans Division, No. 70-3035, Section "B"

Appendix No. 3

Minute Entry of the United States District Court, Eastern District of Louisiana, dismissing the Complaint of Helen Stein Gaudet in Case No. 70-3035

Appendix No. 4

Opinion of the United States Court of Appeals for the Fifth Circuit

Appendix No. 5

Rehearing denied by the United States Court of Appeals for the Fifth Circuit

Appendix No. 6

## APPENDIX NO. 1

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA  
NEW ORLEANS DIVISION

AWTREY C. GAUDET

CIVIL ACTION

AGAINST

IN ADMIRALTY

SEA-LAND SERVICES, INC.

NO. 67-1276

SECTION G

## COMPLAINT

## I

That at all times hereinafter mentioned, the plaintiff was and still is, a citizen of the State of Louisiana, and residing at 4722 Good Drive, New Orleans, Louisiana; defendant is a corporation organized under the laws of and domiciled in the State of New Jersey.

## II

At all times mentioned herein, the defendant was, and still is, the owner and operator of the S/S CLAIBORNE, which at the time of the occurrence herein was a merchant ship, said vessel can now be found or during the pendency of this action will be within the Port of New Orleans and within the territorial jurisdiction of the United States.

## III

That the plaintiff was employed as a longshoreman aboard said vessel, which was docked in the Mississippi River on October 29, 1966 on the navigable waters of the

United States in the City of New Orleans,  
State of Louisiana.

## IV

That at the time and place mentioned above, plaintiff was going about his duties as a longshoreman when he slipped, coming from a tier of cargo, injuring his back.

## V

That the accident and resulting injury was caused by the unseaworthiness of the S/S CLAIBORNE in that it was not provided with ladders to go from tier to deck and the deck was greasy.

That prior to these injuries, plaintiff was a strong, able-bodied man gainfully employed and capable of earning in excess of One Hundred (\$100.00) Dollars per week. As a result of these injuries, plaintiff has been unable to pursue his occupation with the same degree of proficiency and he has sustained permanent disability, has suffered physical agony and will continue to do so and has suffered loss of wages and will continue to do so.

WHEREFORE, plaintiff demands judgment against Sea-Land Services, Inc. in the full sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars.

Please Serve  
Defendant:  
Sea-Land Services,  
Inc., through  
Secretary of State

---

REESE & ABADIE  
PETER J. ABADIE, JR.  
ATTORNEYS FOR PLAINTIFF  
627 N.B.C. BLDG. 523-1953  
NEW ORLEANS 70112



## APPENDIX NO. 2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
NEW ORLEANS DIVISION

AWTREY C. GAUDET                      CIVIL ACTION  
versus                                  NO. 67-1276  
SEA-LAND SERVICES, INC.          SECTION "C"

Filed: June 25, 4:11 p.m., 1970

J U D G M E N T

Considering the answers returned by the jury herein, to the interrogatories propounded to it by the Court on June 23, 1970, and considering the direction of the Court as to the entry of judgment;

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment herein, in favor of plaintiff, Awtrey C. Gaudet, and against defendant, Sea-Land Services, Inc., in the sum of \$140,000.00 and costs.

Dated at New Orleans, Louisiana, this 25th day of June, 1970.

Benjamin W. Reisch  
BENJAMIN W. REISCH, Clerk

By /s/ Nelson B. Jones  
Nelson B. Jones, Chief  
Deputy Clerk

Approved as  
to form:

/s/ Alvin B. Rubin  
UNITED STATES DISTRICT JUDGE

George W. Reese, Esq.  
Andrew T. Martinez, Esq.  
Stuart A. McClendon, Esq.

## APPENDIX NO. 3

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA  
NEW ORLEANS DIVISIONHELEN STEIN GAUDET, ADMINISTRATRIX  
OF THE ESTATE OF AWTREY C.  
GAUDET, SR.CIVIL ACTION  
70-3035  
SECTION B

AGAINST

SEA-LAND SERVICES, INC.

COMPLAINT

Plaintiff is domiciled in the State of Louisiana and is the administratrix of the estate of Awtrey C. Gaudet, Sr., and resides at 4722 Good Drive, New Orleans, Louisiana; defendant is a corporation organized under the laws of and domiciled in the State of New Jersey. The matter in controversy exceeds \$1,000.00 exclusive of interest and costs.

## II.

At all times mentioned herein, the defendant was, and still is, the owner and operator of the S/S Claiborne, which at the time of the occurrence herein was a merchant ship, said vessel can now be found or during the pendency of this action will be within the Port of New Orleans and within the territorial jurisdiction of the United States

## III.

That Awtrey C. Gaudet, Sr. was employed as a longshoreman aboard said vessel, which

was docked in the Mississippi River on October 29, 1966 on the navigable waters of the United States in the City of New Orleans, State of Louisiana.

IV.

That at the time and place mentioned above, Awtrey C. Gaudet, Sr. was going about his duties as a longshoreman when he slipped, coming from a tier of cargo, injuring his back.

V.

That the accident and resulting injury was caused by the unseaworthiness of the S/S Claiborne in that it was not provided with ladders to go from tier to deck and the deck was greasy.

VI.

That plaintiff was dependant for support on the said Awtrey C. Gaudet, Sr. and that as a result of the injuries and treatment resulting therefrom described in Paragraph IV, the said Awtrey C. Gaudet died on June 29, 1970.

VII.

That as a result of the death of Awtrey C. Gaudet, Sr. plaintiff suffered severe financial loss.

VIII.

That the unseaworthiness of the said S/S CLAIBORNE as described in Paragraph V of this Complaint has already been decided

by a judgment of this Court and is now res judicata.

WHEREFORE, plaintiff demands judgment against Sea-Land Services, Inc. in the full sum of TWO HUNDRED and FIFTH THOUSAND (\$250,000.00) DOLLARS.

---

REESE & ABADIE  
GEORGE W. REESE  
Attorney for Plaintiff  
627 NBC Building  
523-1953  
New Orleans 70112

PLEASE SERVE DEFENDANT:

Sea-Land Services, Inc.  
Through Secretary of State

APPENDIX NO. 4

The Minute Entry of the United States District Court, Eastern District of Louisiana, dismissing the Complaint of Helen Stein Gaudet in Case No. 70-3035 has been included in Appellant's Petition for Writ of Certiorari as Appendix "A".

APPENDIX NO. 5

The Opinion of the United States Court of Appeals for the Fifth Circuit has been included in Appellant's Petition for Writ of Certiorari as Appendix "B".

APPENDIX NO. 6

The Order Denying Rehearing by the United States Court of Appeals for the Fifth Circuit has been included in Appellant's Petition for Writ of Certiorari as Appendix "C".